

UNITED STATES DISTRICT COURT

for the
District of Nebraska

In the Matter of the Seizure of
(Briefly describe the property to be seized)
\$8,881.33 in U.S currency seized from Janet
Fontenot's vehicle on January 26, 2016

)
)
)
)
)

Case No. 4:17MJ3061

APPLICATION FOR A WARRANT
TO SEIZE PROPERTY SUBJECT TO FORFEITURE

I, a federal law enforcement officer or attorney for the government, request a seizure warrant and state under penalty of perjury that I have reason to believe that the following property in the _____ District of

Nebraska is subject to forfeiture to the United States of America under _____ 21 _____ U.S.C. §

853 and 881 (describe the property):

\$8,881.33 in U.S currency seized from Janet Fontenot's vehicle on January 26, 2016

The application is based on these facts:
See attached affidavit

☒ Continued on the attached sheet.



Applicant's signature

Nancy A. Svoboda, AUSA

Printed name and title

Sworn to before me by telephone and reasonable electronic means:

Date: May 11, 2017.

City and state: Lincoln, Nebraska



Cheryl R. Zwart, United States Magistrate Judge

I, Eric Hesser, being duly sworn, depose and state as follows:

I am an investigator with 8.5 years of experience in law enforcement. I am employed by the Nebraska State Patrol and am currently assigned to the Nebraska State Patrol Drug Division. My current duties are, but not limited to, conducting undercover controlled substance and/or narcotic purchases, surveillance on individuals suspected in the distribution and or/or use of controlled substances and/or narcotics, confidential informant management which includes monitoring and controlling confidential informants during controlled purchases of controlled substances and/or narcotics, obtaining and executing search warrants and consent searches. I have numerous hours of in-service training and other schools sponsored by the Nebraska State Patrol and/or allied agencies. This training includes but is not limited to a 40 hour Undercover Techniques and Survival for Narcotic Officers sponsored by the Midwest CounterDrug Training Center, 60 hours of Criminal/Drug Investigations/Interdiction sponsored by the State of Nebraska, and a 32 hour drug interdiction class taught by Desert Snow, and other various drug investigation and interview/interrogation training.

The training and experience consist of several aspects of controlled substances and/or narcotics investigations. This includes but is not limited to the manufacturing of marijuana and methamphetamine, controlled substances and/or narcotic identification, packaging, transportation, equipment used for the purpose of manufacturing controlled substances and/or narcotics, how to conduct surveillance and use surveillance equipment, and the management and proper use of a Confidential Informant. Through training and experience, I am familiar with buying, selling and exchange of controlled substances and/or narcotics.

I am a member of the Cooperating Drug Enforcement Task Force (CODE). The CODE Task Force is made up of agents of the Federal Bureau of Investigation (FBI), agents of Homeland Security Investigations (HSI), investigators from the Nebraska State Patrol and officers and investigators of several area law enforcement agencies which, in part, investigate narcotics trafficking in the Central Nebraska area. The law enforcement officers in the CODE Task Force have been and are continuing to conduct investigations involving drug trafficking and assist troopers and officers who are not part of the CODE task force in these investigations. One of the investigations that the CODE Task Force is assisting with involves JANET FONTENOT who was arrested as a result of a traffic stop by Deputy Scott Miller with the Perkins County Sheriff's Office.

On January 26, 2016, at approximately 22:45 M.S.T., Perkins County Deputy Sheriff Scott Miller stopped JANET FONTENOT in Madrid, Nebraska. STEPHANIE HILL was the only passenger in this car. FONTENOT gave consent to search the vehicle. Deputies found approximately 3 pounds of methamphetamine, \$8,881.33 US Currency, small baggies and a digital scale. FONTENOT and HILL were arrested for possession of methamphetamine with intent to distribute. In a bag between HILL's feet in the front seat passenger area, deputies found approximately 1.5 grams of methamphetamine, a digital scale with methamphetamine residue, empty and full syringes and unused baggies.

FONTENOT was advised of her Miranda rights and agreed to waive them. FONTENOT claimed ownership of the methamphetamine and US Currency found in her car. FONTENOT stated she was distributing approximately 2 pounds of methamphetamine every 2 weeks in the North Platte, Nebraska and surrounding areas. FONTENOT stated she had been doing this for approximately 2 months.

Based on my training and experience, I am aware of individuals involved in the illegal distribution of controlled substances often keep large amounts of cash "on hand" in order to be able to purchase illegal drugs in quantities large enough to repackage and resell. I am also aware from training and experience that those persons involved in the illegal distribution of controlled substances commonly secret money and other proceeds of drug sales in devices to hide or mask the smell to prohibit the discovery by a law enforcement canine trained to locate those items. I am also aware that the common person does not carry around large amounts of cash inside a lock box inside the trunk of a vehicle.

I believe the above facts establish probable cause to believe the \$8,881.33 found in FONTENOT's vehicle was possessed in violation of Title 21, United States Code, Section 881.

Dated this 5th day of May, 2017.

FURTHER AFFIANT SAYETH NAUGHT.



Investigator Eric Hesser
Nebraska State Patrol

Sworn to before me by telephone and reasonable electronic means:

Date: May 11, 2017.



Cheryl R. Zwart, United States Magistrate Judge

AO 109 (Rev. 12/09) Warrant to Seize Property Subject to Forfeiture

UNITED STATES DISTRICT COURT

for the

District of Nebraska

In the Matter of the Seizure of)
 (Briefly describe the property to be seized))
 \$8,881.33 in U.S currency seized from Janet) Case No. 4:17MJ3061
 Fontenot's vehicle on January 26, 2016)
)

WARRANT TO SEIZE PROPERTY SUBJECT TO FORFEITURE

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests that certain property located in the _____ District of _____ Nebraska be seized as being subject to forfeiture to the United States of America. The property is described as follows:
 \$8,881.33 in U.S currency seized from Janet Fontenot's vehicle on January 26, 2016

I find that the affidavit(s) and any recorded testimony establish probable cause to seize the property.

YOU ARE COMMANDED to execute this warrant and seize the property on or before May 25, 2017
 (not to exceed 14 days)

☒ in the daytime – 6:00 a.m. to 10:00 p.m.☐ at any time in the day or night, as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must also give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

An officer present during the execution of the warrant must prepare, as required by law, an inventory of any property seized and the officer executing the warrant must promptly return this warrant and a copy of the inventory to United States Magistrate Judge _____ Cheryl R. Zwart
 (name)

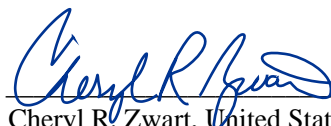
☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box) ☐ for _____ days (not to exceed 30).

☐ until, the facts justifying, the later specific date of _____.

Sworn to before me by telephone and reasonable electronic means:

Date and time: 5/11/2017 10:17 am

City and state: Lincoln, Nebraska



Cheryl R. Zwart, United States Magistrate Judge

Case No.: 4:17MJ3061	Date and time warrant executed:	Copy of warrant and inventory left with:
-------------------------	---------------------------------	--

Inventory of the property taken:

Printed name and title